

**ARKANSAS STATE BOARD OF PHYSICAL THERAPY
RULES AND REGULATIONS**

~~I. Arkansas State Board of Physical Therapy Officers and Meetings~~

~~A. Shall consist of five (5) members to be appointed by the Governor for terms of three (3) years.~~

~~1. Four (4) members shall be physical therapists licensed to practice in Arkansas with at least five (5) years experience as a physical therapist. The Governor shall appoint one (1) physical therapist from each congressional district in order to provide statewide representation of physical therapists.~~

~~2. One (1) member shall not be actively engaged in or retired from the practice of physical therapy and shall serve as the representative of the public interest. This member shall be a full voting member~~

~~3. A member shall hold his office until his successor has been appointed and qualified.~~

~~4. At the discretion of the Board, an advisory committee may be impaneled and dissolved. This committee may consist of no more than five (5) individuals with diverse fields of interest and expertise.~~

~~A. B. Officers shall:~~

~~1. Consist of a chairperson and a secretary/treasurer, each of whom shall have the privilege of re-election.~~

~~2. Officers shall be elected annually in July, unless otherwise determined by the Board.~~

~~B.-C. Duties of Officers:~~

~~1. The chairperson shall:~~

~~a. Call and preside at all meetings. In the absence of the chairperson, he/she shall designate a member to preside.~~

~~b. Be custodian of all records or designate a custodian of all records.~~

~~c. Delegate duties to Board members.~~

~~d. Vote on all issues.~~

~~2. The secretary/treasurer shall:~~

~~a. Ensure that accurate minutes of each meeting are kept and distributed to each Board member.~~

~~b. Supervise disbursement of Board funds.~~

C. ~~D.~~ The location of the office of the Board shall be designated by the Board.

D. ~~E.~~ Meetings:

- ~~1. At least two regular meetings shall be held annually. The meetings will be conducted in accordance with Roberts' Rules of Order, Revised.~~
- 1.2. Special meetings may be called at the discretion of the chairperson, or by two members of the Board, provided that all members are adequately notified.
- ~~2.3. All meetings shall be conducted pursuant to the Arkansas Freedom of Information Act and disciplinary proceedings shall be conducted in accordance with the Arkansas Administrative Procedures Act.~~
- ~~3.4. Three (3) members shall constitute a quorum.~~
- ~~4.5. A majority vote of a quorum carries.~~
- ~~6. Members shall receive travel expenses and stipend for official business of the Board, at the rate established by the State of AR.~~

II. Application for Licensure

A. An individual who plans to practice as a physical therapist or physical therapist assistant must secure a license prior to practicing in the state.

B. Credentials required for application for initial licensure are to be submitted to the Arkansas State Board of Physical Therapy as follows:

- ~~1. Official certification of graduation from a professional physical therapy education program accredited by The Commission of Accreditation for Physical Therapy Education. An official transcript mailed from the Office of the Registrar of a professional physical therapy education program accredited by a national accreditation agency approved by the Board is required. Official transcript mailed from Office of the Registrar. An official certification of graduation from a professional physical therapy program shall be sufficient to allow the applicant to take the licensure exam.~~
2. Official application from the Arkansas State Board of Physical Therapy filled out by the applicant and notarized.
3. Application requirements must be completed and received by the Board prior to taking the examination.

C. Applicants who are currently licensed in another state or territory, and are requesting same in Arkansas by endorsement/reciprocity, shall submit:

1. Official application form of the Arkansas State Board of Physical Therapy filled out by the applicant and notarized.

2. Previous test scores sent directly by the official reporting agency.
 3. Verification of licensure from ~~agencies~~ **each state or territory** where currently licensed.
 4. Official transcript mailed from Office of the Registrar of a professional physical therapy education program accredited ~~by The Commission of Accreditation for Physical Therapy Education~~. **a national accreditation agency approved by the Board.**
- D. All applicants shall pay the required ~~filing fees~~. **Refer to attached fee schedule.**

III. ~~Letters of Authorization Temporary Permits~~

- A. A ~~letter of authorization~~ **temporary permit** may be granted to any physical therapist licensed in another state who comes to Arkansas on a temporary basis for educational purposes. Physical therapists wishing to obtain this special permission must write a letter stating the reasons he/she desires to have temporary privileges. This letter should specify: date(s), location, individual/institution who is sponsoring the therapist in Arkansas and a copy of the therapist's current license.
- B. A candidate for licensure by examination may be granted a ~~letter of authorization~~ **temporary permit only** under special circumstances.
- ~~C. Candidates seeking initial licensure must submit:~~
 1. ~~Credentials outlined in Section II, B.~~
 2. ~~While practicing with a letter of authorization temporary permit, written proof of supervision by a currently licensed Arkansas physical therapist for the purpose of establishing an advisory working relationship. This section does not necessarily require direct, daily, on-site supervision.~~
- ~~D. A candidate for licensure by reciprocity is not eligible for a letter of authorization temporary permit to practice while awaiting processing of his/her application for permanent licensure.~~
- ~~E. The Board ceased issuing temporary permits on March 1, 1995.~~
- ~~E.C. A temporary permit may be issued for no more than three months without reapplying to the Board.~~
- ~~F.D. All applicants shall pay the required fee. Refer to attached fee schedule.~~

IV. Methods of Licensure

- A. Reciprocity
 1. Each applicant shall be considered on individual qualifications.
 2. Requirements of state or territory in which currently licensed must be at least equal to Arkansas requirements, including test scores.

3. The applicant may be required to be interviewed by the Board if his/her credentials, requirements of licensure in **another** state or **territory, or** current professional capabilities are in question.
4. An applicant to whom the Board refused reciprocity may request a hearing before the Board.
5. Applicants who have taken the national licensure examination prior to February, 1991, will be required to have achieved a minimum score of 1.5 standard deviations below the national average on the raw score of individual parts as well as the total. Applicants who have taken the national licensing examination on or after February 1991 and prior to March of 1996 will be required to have achieved a minimum score of 1.5 standard deviations below the national average on the total raw score. For each examination given on or after March, 1996, a passing score will be established by the board using criterion referenced scoring.

B. Examination

1. Applicants who comply with qualifications in accordance with the Arkansas Physical Therapy Practice Act shall be permitted to sit for examination. (**See Ark. Code Ann. § 17-93-303**)
2. Form of Examination
 - a. The examination for the physical therapist or physical therapist assistant shall be the appropriate level examination procured from ~~the an~~ examination service ~~currently under contract with~~ **approved** by the Arkansas State Board of Physical Therapy.
 - b. The examination will be ~~computerbased and~~ administered at an approved agency. Written guidelines and procedures will be provided at time of application.
 - c. The application must be completed for the examination in the time allotted or the fee will be forfeited.
3. Passing Level
 - a. For each examination given on or after March, 1996, a passing score will be established by the board using criterion referenced scoring.
4. Scoring and Reporting of Examinations
 - a. ~~Examinations shall be scored and the results kept on file by the examination service.~~
 - b. Results of the examinations will be ~~reported to the Board by the examination service and be~~ kept on file by the Board.
 - c. Examination scores will be reported directly to each candidate by the Board.

5. Failure to Pass Examination

- a. A candidate who fails to pass the Examination will be notified. The candidate is ineligible to practice in Arkansas as a physical therapist or a physical therapist assistant until the examination is passed.
- ~~b. A candidate failing the first examination will not be allowed to practice physical therapy until successfully passing the examination. If the applicant fails a second time and desires to pursue further examination, the applicant must:

 - 1. ~~Request an accredited physical therapy school design an educational program of coursework which will address the weak area(s) as determined by the national testing service or at the discretion of the board, request that the applicant attend and complete a review course approved by the board.~~
 - 2. ~~Implement the program following approval from the Board.~~
 - 3. ~~Submit proof of successful completion of the program to the Board for approval.~~~~
- ~~c. A candidate failing the third examination is no longer eligible to take any further examinations and is not eligible for licensure as a physical therapist or physical therapist assistant in Arkansas.~~
- b. Upon payment of an appropriate fee applicants who do not pass the examination after the first attempt may re-take the examination one (1) additional time without re-application for licensure. This must occur within six (6) months from the first failure.**
- c. Prior to being approved by the Board for subsequent testing beyond two (2) attempts, individuals shall re-apply and demonstrate evidence satisfactory to the Board of having successfully completed additional clinical training and/or course work as determined by the Board.**

V. Foreign-educated Physical Therapists & Physical Therapist Assistants

- a. The foreign-educated physical therapist or physical therapist assistant is required to be eligible for licensure or authorized to practice ~~as a physical therapist~~ without limitation in their home country.
- b. Any foreign-educated physical therapist or physical therapist assistant who plans to practice in Arkansas shall submit all credentials set forth in Section II of these regulations.
- C. The foreign-educated physical therapist or physical therapist assistant must also submit the following:
 - 1. Credentials evaluation statement from a credentials evaluation

agency approved by the Board.

2. ~~Proof of passing~~ **Results from** an English proficiency examination. ~~acceptable to the Board.~~ **Both the examination and acceptable score on examination must be approved by the Board.** The test must include both written and oral sections.

VI. Recording and Renewals

- A. Licenses must be renewed annually **by March 1** ~~at a fee established by the Board.~~ **The renewal must be accompanied by appropriate fees and proof of continuing education.**
- B. **It is the responsibility of the individual to notify the Board of an address change in writing.**
 1. Unrenewed licenses become inactive as of a date established by the Board. To return to regular status, the previous year's continuing education requirements must be met and a reinstatement fee, not to exceed \$100, must be paid.
 2. Licenses reactivated after said date will be assessed a late charge in addition to the renewal fee.
- ~~B. Licenses must be recorded with the county clerk in the county in which the physical therapist or physical therapist assistant is practicing or intends to practice in accordance with Act 17-92-303.~~
- C. **Individuals wishing to be placed on inactive status must submit a written request to the Board.**
 1. **A Physical Therapist or Physical Therapist Assistant on inactive status may not engage in the provision of physical therapy services.**
 2. **To return to regular status, the applicant must demonstrate completion of delinquent continuing education requirements up to four (4) units (40 contact hours) and pay the annual license fee, and a reinstatement fee as outlined in Section VII.**
- D. **Physical Therapists and Physical Therapist Assistants who have not paid annual renewal fees by March 1 are in violation of the Practice Act and shall not actively engage in practice. (Reference 17-93-311). Practice without a valid license is subject to a fine of up to \$1,000 per day. Late renewals are allowed by paying a penalty late fee as determined by the Board.**

VII. Fees and Penalties (Current Fee Schedule Attached)

- A. Physical therapists shall be required to pay fees not to exceed the following:
 - ~~Letter of Authorization~~ **Temporary Permit - \$100**
 - Initial Application & Examination Fee - ~~\$300~~ **\$450**
 - Reciprocity - \$250
 - Annual Renewals - \$150
 - Late Fee - \$100 per month**
 - Reinstatement Fee - \$75.00**

- B. Physical therapist assistants shall be required to pay fees not to exceed the following:
- ~~Letter of Authorization~~ **Temporary Permit** - \$50
 - Initial Application & Examination Fee - \$250
 - Reciprocity - \$200
 - Annual Renewals - \$125
 - Late Fee - \$100 per month**
 - Reinstatement Fee - \$50.00**
- C. Physical therapists and physical therapist assistants who have not paid annual renewal fees by March 1 will be allowed to renew ~~until June 1~~ by paying a ~~penalty late not to exceed \$100 fee of~~ **\$100 per month.**

VIII. Disciplinary Action

- A. The Board may refuse to license, refuse to renew a license, revoke a license or ~~letter of authorization~~ **temporary permit**, and/or take other disciplinary action as provided by law regarding any physical therapist or physical therapist assistant who is guilty of any of the acts as set forth in Section 17-93-308 of the Arkansas Physical Therapy Practice Act. Unprofessional conduct pursuant to Ark. Code Ann. Section 17-93-308(a)(3), shall include but not be limited to the following: ~~A revoked license must be returned to the Board office immediately upon notification of the revocation. The Board is required to report the revocation to the Federation of State Board of Physical Therapy.~~
1. Engaging in any type of sexual conduct of a verbal or physical nature or to engage in a sexual/romantic relationship, including, but not limited to kissing, sexual contact, and sexual intercourse, with a current patient or with any person who was treated as a patient within the preceding six months. A patient's consent to, initiation of, or participation in the sexual contact or sexual/romantic relationship does not change the nature of the conduct nor the prohibition. This provision shall not prohibit a physical therapist or physical therapist assistant from treating any person with whom there has been a preexisting sexual or romantic relationship.
 2. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.
 3. Failing to adhere to the recognized standards of ethics of the physical therapy profession.
 4. Charging unreasonable or fraudulent fees for services performed or not performed.
 5. Failing to report to the board any act or omission of a license holder, certificate holder, applicant or any other person who violates the provisions of the Arkansas Physical Therapy Act, as ammended.

A revoked license must be returned to the Board office immediately

upon notification of the revocation.

- B. Each facility offering physical therapy services shall be required to publicly display the name and address of the Arkansas State Board of Physical Therapy.
- C. Any person may file a complaint in writing to the Board against any licensed physical therapist or physical therapist assistant in this state, charging said person with having violated the provisions of any part of the Arkansas Physical Therapy Practice Act. The Board may act upon its own motion or upon **written** complaint. ~~of any individual in writing and signed by the complaining party.~~ The person named in the complaint will be notified and a response from that individual will be requested.

IX. Physical Therapist Assistant Supervision

- A. The practice of the physical therapist assistant shall be performed only under the supervision of the licensed physical therapist who retains moral, ethical, and legal responsibility for patient care.
- B. The supervising therapist must be readily available for consultation, evaluations, **and** establishment of each program. ~~prior to delegation of any treatment plan and determination of patient discharge.~~
- C. In direct consultation with the (supervising) physical therapist, the physical therapist assistant may:
 1. ~~Alter~~ **Recommend changes in the** treatment, plan of care or goals as appropriate ~~in response to changes in the patient's physiological state.~~
 2. Within the plan of care, recommend appropriate equipment, assistive devices or modification of architectural barriers.
 3. Within the plan of care, perform appropriate **assessment examination** procedures.
- D. **The Physical Therapist Assistant may alter treatment in response to adverse changes in the patient's physiological state.**

X. Physical Therapy Aide Functions

- A. A physical therapy aide must receive inservice training by a physical therapist or **physical therapist assistant**. Once the aide is trained in treatments which can be completed within the realm of inservice as determined by a physical therapist, he/she may perform treatments **only** under direct, ~~no less than weekly,~~ on-site supervision by a physical therapist and/or physical therapist assistant.
- B. The physical therapy aide may not:
 1. change any treatment;
 2. ~~specify and/or perform definitive (decisive, conclusive, final)~~ evaluative and assessment procedures;
 3. alter a plan of care or goals.

- ~~4. recommend wheelchairs, orthoses, prostheses, other assistive devices, or alterations to architectural barriers to persons;~~

XI. Continuing Education Requirements

- A. The licensed physical therapist must complete in each biennium, two (2) CEUs. ~~This becomes effective with January 1995 licensure renewals.~~
CEUs are required to be submitted only with odd number year renewals.
- B. The licensed physical therapist assistant must complete, in each biennium, one (1) CEU. ~~This becomes effective with January, 1995 licensure renewals.~~
CEUs are required to be submitted only with odd number year renewals.
- C. Qualifying Continuing Education Units
1. One CEU is defined as 10 contact hours of an accredited course or program. Program content must be of clinical application, clinical management, behavioral science, or science.
 2. Program content and CEU's accreditation must be approved by the Board or a Board-approved entity.
 3. College or university courses in the area of clinical application, clinical management, behavioral science, science, or scientific research will be accepted. Courses will be credited one (1) CEU for each satisfactorily (grade C or higher) completed credit hour. An official transcript must be submitted to the Board office.
 4. An article or research which has been published may be submitted to the Board for consideration of up to one-half the biennium CEU requirement. This request, along with the publication must be presented to the Board office 30 days prior to licensure renewal anniversary date. Submissions after this date will not be considered. The article or research will be approved by the Board.
- D. Failure to Comply

Licensees failing to comply with the CEU requirement will not receive licensure renewal.

~~XIII. Notice of Malpractice~~

~~Every physical therapist and physical therapist assistant, within ten (10) days after receipt of notification of a claim or a filing of a lawsuit against him for malpractice, shall notify the board of the claim or lawsuit.~~

- XII. ~~XIII~~ Amendments to these rules and regulations may be proposed by presenting the amendments in writing at any meeting of the Board. If the proposed amendment receives a majority vote of the Board, then the procedures for adoption outlined in the Administrative Procedures Act shall be followed.

(REVISIONS RECOMMENDED FOR ADOPTION - OCTOBER 9, 2001)

